

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

41-45 PROPERTY OWNER, LLC,

Plaintiff and Counter-
Defendant,

-against-

CDM1, LLC,

Defendant and Counter-
Plaintiff

and

ARTURO R. MORENO, and CAROLE D.
MORENO,

Defendants.

Case No. 1:22-cv-08634

DEFENDANTS' MOTION TO SEAL
EXHIBIT 1 TO DEFENDANTS' ANSWER
AND COUNTERCLAIM

Pursuant to Rule 6.1 of the Electronic Case Filing Rules and Instructions for the United States District Court for the Southern District of New York, Defendants CDM1, LLC; Arturo R. Moreno; and Carole D. Moreno, will move this Court, at the United States District Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order sealing Exhibit 1 to Defendants' Answer and Counterclaim, the Option Agreement entered into between 41-45 Property Owner, LLC and CDM1, LLC.

Section 39 of the Option Agreement, entitled Confidentiality, states that

Sponsor and Purchaser hereby acknowledge and agree to keep all of the terms and conditions of this Agreement confidential, except that Sponsor shall be permitted to disclose that an Option Agreement has been executed for the Unit and the purchase price thereunder, but not the identity of Purchaser or its principals. Sponsor and Purchaser agree that any information which is required to be disclosed to the parties respective lawyers, brokers, architects/engineers, accountants, individuals who "need to know" or governmental

agencies shall not be deemed to be a breach by Sponsor or Purchaser of the parties undertaking of confidentiality contained in this Agreement.

Defendants do not take a position on whether the Option Agreement needs to be sealed but nonetheless want to comply with its terms, which 41-45 Property Owner, LLC disregarded in publicly filing its Summons with Notice. Therefore, in accordance with Section 39 of the Option Agreement, Defendants request the Court file the Option Agreement attached as Exhibit 1 to its Answer and Counterclaim under seal.

Dated: New York, New York
October 11, 2022

ARENTFOX SCHIFF LLP

By: /s/ Brittany H. Sokoloff

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To Be Admitted Pro Hac Vice

*Attorneys for Defendants CDMI, LLC, Arturo
R. Moreno, and Carole D. Moreno*